

Election Judges and Clerks (con't)

§§ 32.052-32.056

Who **CANNOT** be an election judge or clerk?

- Public officer.
- Employee or relative of opposed candidate on the ballot.
 - **NEW LAW (HB 2110):** Adds the party office of precinct chair, so that an employee or relative of an opposed candidate for a public office, the party office of county chair, or the party office of precinct chair may not serve as an election judge or clerk.
- Campaign treasurer or assistant treasurer of candidate in the election.
- Campaign manager of candidate in the election.
- Individual finally convicted of an election offense (deferred adjudication does not constitute a final felony conviction).



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Who **CANNOT** be an election judge or clerk?

- An uncontested candidate MAY serve as an election worker.
- A candidate for a contested office may not serve in an election held on the same day as that election in any precinct in which the office sought is to be voted on.

Note: An incumbent cannot serve since they are disqualified as an elected public officer.



Election Judges and Clerks (con't)

§§ 32.071-32.075

- What does a judge do?
 - Manage polling place; must be present all day.
 - Administer any oaths required.
 - Complete and sign judge's portion of provisional voter affidavit.
 - Sign off on other necessary forms such as Statement of Compensation and Oaths.
 - Designate working hours and assign duties for clerks.
 - May appoint special peace officers (required to be licensed as peace officers by Texas Commission on Law Enforcement), as needed, to preserve order.
 - Has power of district court judge while serving at polling place, including power to issue arrest warrants.



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§ 32.072

- What does a clerk do?
 - Perform duties assigned by judge, such as
 - Help set up polling area
 - Qualify/Process Voters
 - Assist voters who are qualified for and request assistance in the polling place
 - Perform curbside voting
 - Count ballots/assist in precinct tabulation procedures in the polling place
 - Administer any oaths required



Hours

§§ 41.031, 41.032; Chapter 62

- 7 a.m. to 7 p.m.
 - Early Voting Clerk
 - Voter Registrar
- The polling place should be completely set up by 7 a.m.
 - Set up the voter check in table
 - Post all requisite signage
- Remember: anyone in line at 7 p.m. can vote.



Who is allowed in the polling place?

- Voters (§ 63.001)
- Minors
 - With parent/guardian (§ 64.002)
 - Students voting in student election (§ 276.007)
- Election Workers
 - Judges and Clerks (§§ 32.071, 32.072)
 - Vendor representatives/repair technicians (§ 125.010)



Who is allowed in the polling place? (cont'd)

- Observers:
 - Pollwatchers (§ 33.052)
 - State Inspectors (§ 34.002)
 - Federal Inspectors (federal Voting Rights Act, 42 U.S.C.A. § 1973(f))
 - SOS and SOS staff (§ 34.004)
- County chair (**NEW LAW (HB 1996)**, § 172.1113)
 - For the primary election ONLY
 - To perform “administrative functions related to the conduct of the election.”

